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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 STEPHEN LEE CZAPLA,) CASE NO. C08-0084-RSM-MAT
09 Plaintiff,)
10 v.) ORDER DENYING PLAINTIFF'S
11 OFFICER KELLEY, et al.,) REQUEST FOR APPOINTMENT OF
12 Defendants.) COUNSEL
_____)

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14 This matter comes before the Court on plaintiff's request for appointment of counsel.
15 The Court, having reviewed plaintiff's request, and the balance of the record, does hereby find
16 and ORDER:

17 (1) Plaintiff's request for appointment of counsel (Dkt. No. 32) is DENIED. There
18 is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the
19 Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding in
20 forma pauperis, the Court may do so only in exceptional circumstances. *Wilborn v.*
21 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236
22 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional

01 circumstances requires an evaluation of both the likelihood of success on the merits and the
02 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues
03 involved. *Wilborn*, 789 F.2d at 1331.

04 Plaintiff has not demonstrated that he is unable to articulate his claims pro se.
05 Moreover, as explained in this Court's Report and Recommendation, issued the same date as
06 this Order, plaintiff has not demonstrated that his claims have any merit. Thus, plaintiff has
07 not demonstrated that this case involves exceptional circumstances which warrant appointment
08 of counsel.

09 (2) The Clerk shall send copies of this Order to plaintiff, to counsel for defendants,
10 and to the Honorable Ricardo S. Martinez.

11 DATED this 3rd day of April, 2009.

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13 s/ Mary Alice Theiler
United States Magistrate Judge
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